

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: District Development Control Committee **Date:** 19 October 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.05 pm

Members Present: B Sandler (Chairman), R Bassett (Vice-Chairman), K Chana, D Dodeja, C Finn, J Hart, D Jacobs, Mrs S Jones, J Markham, J Philip, Mrs C Pond, G Waller, Ms S Watson and J Wyatt

Other Councillors: D Stallan

Apologies: A Boyce, H Ulkun and J M Whitehouse

Officers Present: N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer), C Neilan (Landscape Officer & Arboriculturist) and G J Woodhall (Democratic Services Officer)

17. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

18. MINUTES

Resolved:

That the minutes of the meeting held on 24 August 2011 be taken as read and signed by the Chairman as a correct record.

19. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that Councillor G Waller was substituting for Councillor A Boyce and Councillor D Jacobs was substituting for Councillor J M Whitehouse at this meeting.

20. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors S Jones and J Philip declared a personal interest in agenda item 8 (planning application EPF/1437/11 - 40 Forest Drive, Theydon Bois) and 12 (Enforcement Notices, Blunts Farm) by virtue of being members of Theydon Bois Parish Council. The councillors advised that they had determined that their interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Stallan declared a personal interest in agenda 12 (Enforcement Notices, Blunts Farm) by virtue of being Chairman of the Overview and Scrutiny Panel that had previously reviewed planning permission on this site. The councillor advised that he had

determined that his interest was not prejudicial and would remain in the meeting for the consideration and voting on the matter.

(c) Pursuant to the Council's Code of Member Conduct, Councillor J Wyatt declared a prejudicial interest in agenda item 9 (Planning Application EPF/0046/11 – Town Mead Sports and Social Club) by virtue of being a member of Waltham Abbey Town Council who owned the site. The councillor advised that he would leave the meeting for the consideration and voting on the matter.

21. PLANNING APPLICATION EPF/1254/11 - 156-158 HIGH ROAD, ONGAR. - CHANGE OF USE OF GROUND FLOOR FROM SHOP (A1 USE CLASS) TO A MIXED USE COMPRISING CHILDRENS SOFT PLAY AREA (D2 USE CLASS) AND COFFEE SHOP (A3 USE CLASS).

The Committee considered an application referred to it by Area Plans Subcommittee East on 14 September 2011. The application sought the change of use of an A1 use class shop in Ongar High Road to a mixed use of a children's soft play area and coffee shop.

The Subcommittee had referred the matter with a recommendation to grant permission on the basis that they considered that the scheme would be an asset to the town and would increase the vitality and viability of the Ongar town centre.

The Committee heard from the local member that the shop unit had been vacant for some time and that although the proposals conflicted with local plan policy the local town council had supported the application and considered it an appropriate use of the premises.

The committee concurred with the view of local member and of the Town Council and unanimously granted the application subject to conditions suggested by officers within their report.

Resolved:

That planning application EPF/1254/11 at 156-158 High Road, Ongar be granted subject to the following conditions:

- (1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice;
- (2) The premises shall be used solely for a mixed use as a children's soft play area and a café and for no other purpose (including any other purpose in Class D2 and A3 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order;
- (3) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no change of use generally permitted by virtue of Part 3 Class C shall be undertaken without the prior written permission of the Local Planning Authority;
- (4) The use shall only operate in accordance with the floor plan layout and extent of the café area and the children's soft play area as shown on the submitted drawing received and dated 5 July 2011 entitled "Floor Plan for

Krazy Kidz Café Ltd”, unless otherwise agreed in writing by the Local Planning Authority; and

(5) The café area shall not operate separate hours from the children’s soft play area and this mixed use hereby permitted shall not be open to customers / members outside the hours of 0900 to 1800 hours Monday to Friday and 1000 to 1800 hours Saturday, Sundays and Bank Holidays.

22. PLANNING APPLICATION EPF/1437/11, 40 FOREST DRIVE, THEYDON BOIS - SIDE, FRONT AND REAR EXTENSIONS AND REAR DORMER ADDITION.

The Committee considered an application referred to it by Area Planning Subcommittee East without a recommendation. The application sought extensions to the side, front and rear of the property and rear dormer additions.

The committee heard that the property had been the subject of recent appeals which had been dismissed at appeal. Officers displayed the plans of the proposed changes to the dwelling and indicated that the main issue for members was whether the proposal would be harmful to the streetscene.

Members heard representations from a local objector, the Parish Council and a representative of the applicant.

Members of the Committee expressed the view that the property was part of row of five similar properties which featured in the Theydon Bois local design guide and had been put forward for locally listed status. The Committee were of the view that proposed changes would detract from the Streetscene of the road; removed the symmetry of the building and would be harmful. They considered a motion to refuse the application on those grounds which gained majority support.

Resolved:

That planning application EPF/1437/11 at 40 Forest Drive, Theydon Bois be refused for the following reason:

(1) The resultant building due to the proposed extensions, will fail to complement this stretch of neighbouring bungalows on this side of the road and therefore will be out of character and harmful to the street scene, contrary to policy DBE1 of the Adopted Local Plan and Alterations

23. PLANNING APPLICATION EPF/0046/11 – TOWN MEAD SPORTS AND SOCIAL CLUB, BROOKER ROAD, WALTHAM ABBEY, EN9 1HJ – PROPOSED GOLF DRIVING RANGE (REVISED APPLICATION).

The Committee gave further consideration to an application for a golf driving range at Town Mead Sports and Social Club in Waltham Abbey. The application had been previously deferred at the meeting on 29 June 2011, at which meeting members had requested a risk assessment and further information about lighting to be submitted and agreed by the Highways Agency given the proximity to the M25.

The Committee noted that the plans had now been amended, angling the driving bays closest to the M25 boundary away from the M25. Lighting arrangements had been assessed by the Highways Agency and were considered acceptable and would be controlled by condition. Furthermore, a risk assessment had been undertaken and reviewed by the Highways Agency who raised no objection to its findings.

The Committee considered the effect on the existing small woodland on the southern boundary adjacent the M25. It was noted that the amended scheme allowed more planting along the boundary and some of the woodland would be retained. It was agreed that the landscaping conditions were reviewed to ensure they tallied with amended plans and were subject to the agreement of the Council. As such members were supportive of the amended scheme and resolved accordingly subject to the suggested conditions.

Resolved:

(1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

(2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 10013/3B, 10013/4, 10013/6I, 10013/8B, 10013/9B, 10013/45, 460/2, UKS1815, UKS1815/1, LS11327/2.

Reason: To ensure the proposal is built in accordance with the approved drawings.

(3) No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.

Reason:- To ensure a satisfactory appearance in the interests of visual amenity.

(4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

Reason:- To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded.

(5) Notwithstanding the details shown on Plan Ref: 232 which accompanied this planning application, no development, including site clearance, shall take place until a statement of the methods (including a timetable, for its Implementation linked to the development schedule) for the implementation of a landscaping scheme, and a schedule of landscape maintenance for a minimum period of five years, have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable, and the schedule shall include details of the arrangements for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and

at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development.

(6) No development shall take place until details of all levels, contours and bunding have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

Reason: To ensure the impact of the intended development is acceptable.

(7) Prior to the commencement of the development details of the proposed surface materials for the access, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.

Reason:- To ensure that a satisfactory surface treatment is provided in the interests of highway safety and visual amenity.

(8) The parking area shown on the approved plan shall be provided prior to the first use of the development and shall be retained free of obstruction for the parking of staff, customers and visitors vehicles.

Reason:- In the interests of highway safety.

(9) A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The assessment shall demonstrate that surrounding properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.

Reason:- To conform with the principles of PPS25 and to satisfy Policy U2B of the Adopted Local Plan and Alterations (2006), since the development is located in an area identified as being in an Epping Forest District Council flood risk assessment zone and would be likely to result in increased surface water run-off.

(10) Prior to commencement of development, including site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

(11) The 16m high fencing and CCTV cameras on the range bays shall be installed prior to use of the site as a Golf Driving Range.

Reason:- To ensure there is no detrimental impact on the M25 Motorway or users of the surrounding sites.

(12) The lighting installed on site shall be adjusted, baffled or removed in accordance with any written requirements of the Local Planning Authority or the Highways Agency if considered hazardous to the M25 by the Local Planning Authority or Highways Agency.

Reason:- To ensure that the approved lighting does not cause hazard to users of the M25.

24. COMPLIANCE WITH REQUIREMENTS OF ENFORCEMENT NOTICES - BLUNTS FARM, COOPERSALE LANE/ABRIDGE ROAD, THEYDON BOIS

At the meeting of the Committee on 5 April 2011 members had deferred consideration of a report on compliance with Enforcement Notices at Blunts Farm, Theydon Bois in order that the developer had a further opportunity to carry out remedial works on the land and to allow for of Members this Committee to inspect the site.

Further works had now been carried out and the site visited by Members in September 2011.

Officers reported that the requirement to remodel and landscape the land to accord with the section (4) of the Enforcement Notices had now been complied with although concern still existed over some areas where rights of way existed, particularly in respect of vegetation and waymarking. Additionally officers were continuing to press for compliance in respect of replacement of trees required under the site's Tree Preservation Order.

Members heard views from the Parish Council.

The Committee members concurred with the view of officers regarding the compliance matters but asked planning officers to write to the County Council to ask them to ensure rights of way across the site were accessible, available and appropriately marked.

Resolved:

- (1) That members agree that requirement (4) of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm, were complied with;
- (2) That, unless a further complaint were to be received, no further work be carried out to investigate and secure compliance with on-going requirements of the enforcement notices issued on 4 August 2006 in respect of land at Blunts Farm; and
- (3) That the Head of Planning and Economic Development write to Essex County Council asking that action be taken to ensure that rights of way across the site were accessible, available and appropriately marked.

25. ANY OTHER BUSINESS

It was noted that there were no further items of business to be transacted at the meeting.

CHAIRMAN